

VIRGINIA:

IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA:

v.

CASE NO(S): _____

ACCUSED

MOTION AND CONSENT DISCOVERY AND INSPECTION ORDER

THIS DAY came the Commonwealth of Virginia, by her Attorney, and the accused, by counsel, regarding entry of an Order governing discovery and inspection by the respective parties, pursuant to Rule 3A:11 of the Rules of the Supreme Court of Virginia, (“this Rule”), and it is hereby

ADJUDGED and ORDERED that upon the written motion filed by the accused, the Commonwealth of Virginia must:

(1) Permit the accused to inspect and review any relevant reports prepared by law enforcement officers and made in connection with the particular case, including any written witness statements or written summaries of oral statements contained within such reports, that are known to the Commonwealth's attorney to be in the possession, custody or control of the Commonwealth. Nothing in this Rule requires that the Commonwealth provide the accused with copies of the relevant law enforcement reports, although it may do so in its discretion. The court's order providing for inspection and review of these reports are subject to the provisions of subparts (c)(1) and (c)(2) of this Rule regarding redaction and restrictions on dissemination of designated material.

(2) Permit the accused to inspect, review and copy or photograph any relevant: (A) written or recorded statements or confessions, or the substance of any oral statements or confessions, made by the accused to any law enforcement officer, that are known to the Commonwealth's attorney to be within the possession, custody or control of the Commonwealth; (B) written or recorded statements or confessions, or the substance of any oral statements or confessions, made by the accused to any person other than a law enforcement officer, that the Commonwealth intends to introduce into evidence against the accused at trial; (C) written or recorded statements, or the substance of any oral statements, made by a co-defendant or co-conspirator that the Commonwealth intends to introduce into evidence against the accused at trial; and (D) written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim made in connection with the particular case, that are known by the Commonwealth's attorney to be within the possession, custody, or control of the Commonwealth.

(3) Permit the accused to inspect, review and copy or photograph designated books, papers, documents, tangible objects, recordings, buildings or places, or copies or portions thereof, that are known by the Commonwealth's attorney to be within the possession, custody, or control of the Commonwealth, upon a showing that the items sought may be material to preparation of the accused's defense and that the request is reasonable.

(4) Notify the accused in writing of the Commonwealth's intent to introduce expert opinion testimony at trial or sentencing and to provide the accused with:(i) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if there is no such report, a written summary of the

expected expert testimony setting forth the witness's opinions and the bases and reasons for those opinions, and **(ii)** the witness's qualifications and contact information.

(5) Provide to the accused a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the accused at trial or sentencing. The Commonwealth may redact the personal identifying information of any witness if so authorized by a protective order entered by the court pursuant to subpart (g) of this Rule.

It is also ADJUDGED and ORDERED that this court granted disclosure of the materials listed above to the accused, therefore, the accused must:

(1) Permit the Commonwealth to inspect and copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath analyses, and other scientific testing within the accused's possession, custody or control that the defense intends to proffer or introduce into evidence at trial or sentencing.

(2) Disclose whether the accused intends to introduce evidence to establish an alibi and, if so, disclose the place at which the accused claims to have been at the time the alleged offense was committed.

(3) Permit the Commonwealth to inspect, copy or photograph any written reports of physical or mental examination of the accused made in connection with the particular case if the accused intends to rely upon the defense of insanity pursuant to Chapter 11 of Title 19.2; provided, however, that no statement made by the accused in the course of such an examination disclosed pursuant to this Rule may be used by the Commonwealth in its case-in-chief, whether the examination was conducted with or without the consent of the accused.

(4) Notify the Commonwealth in writing of the accused's intent to introduce expert opinion testimony at trial or sentencing and to provide the Commonwealth with:**(i)** any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and the bases and reasons for those opinions, and**(ii)** the witness's qualifications and contact information.

(5) Provide to the Commonwealth a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the accused at trial or sentencing. The accused's attorney may redact the personal identifying information of any witness if so authorized by a protective order entered by the court pursuant to subpart (g) of this Rule.

It is also ADJUDGED and ORDERED that the Commonwealth must provide the discovery and inspection ordered on or before the _____ day of _____, 20____, in the following manner:

It is also ADJUDGED and ORDERED that the accused must provide the discovery and inspection ordered on or before the _____ day of _____, 20____, in the following manner:

Entered this _____ day of _____, 20____.

JUDGE

SEEN AND AGREED:

Attorney for the Commonwealth

Address

Phone Number

Email address

Bar Number

Attorney for the Accused

Address

Phone Number

Email address

Bar Number